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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,520	12/29/2000	Bradley J. Quinn	1840	8825
30408	7590	11/15/2005	EXAMINER	
GATEWAY, INC. ATTN: PATENT ATTORNEY 610 GATEWAY DR. MAIL DROP Y-04 N. SIOUX CITY, SD 57049			NGUYEN, NHON D	
			ART UNIT	PAPER NUMBER
			2179	
DATE MAILED: 11/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,520

Applicant(s)

QUINN, BRADLEY J.

Examiner

Nhon (Gary) D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-22, 27-32 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-22, 27-32, and 34-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to amendment, filed 08/18/2005.
2. Claims 1-15, 17-22, 27-32, and 34-39 are pending in this application. In this amendment, no claim is canceled, claim 19 is amended, and claims 35-39 are added. This action is made final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 8-15, 17-22, 27-32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of Rezvani et al. ("Rezvani", US 2003/0140090 A1).

As per independent claim 1, Humpleman teaches a method of configuring a user interface, comprising:

Receiving, through a network to the information appliance, user interface data describing one or more user interface functions on a remote device, wherein at least some of the one or more user interface functions may be added to the information appliance from the remote device (col. 7, lines 6-7 and col. 7, lines 48-58);

Configuring the user information appliance to add a display of one or more representations based on the user interface data, each representation corresponding to one of the

user interface functions on the remote device and capable of interaction by a user therewith (col. 7, lines 7-20 and col. 7, lines 48-58).

Humpleman does not teach comparing the user interface data with a user interface template of the information appliance, the user interface template including one or more representations. Rezvani discloses Web server 46 may take the template, locate components designated to device 32 using the components' IDs, and ask the components to generate a suitable user interface representation (page 9, paragraph 94). It would have been obvious to an artisan at the time of the invention to use the teaching from Rezvani of generating a suitable user interface representation by comparing components' IDs to the template, locate components designated to a remote device in Humpleman's system since it would have helped to speed up the process of loading user interface representation;

As per claim 2, which is dependent on claim 1, Humpleman teaches:

accepting input corresponding to the interaction by the user with a selected one of the representations; and communicating the input to the remote device through the network such that the user is able to utilize the user interface function on the remote device corresponding to the selected representation (col. 7, lines 41-47).

As per claim 3, which is dependent on claim 2, it is inherent in Humpleman's system to translate the input into utilization by the user of the user interface function on the remote device corresponding to the selected representation.

As per claim 4, which is dependent on claim 1, Humpleman teaches the user interface functions on the remote device include selecting output and changing output (fig. 11).

As per claim 5, which is dependent on claim 1, Humpleman teaches:

Monitoring the interaction of the user with the display of the one more representations (user selects on 712 buttons of fig. 11); and storing data representative of the monitored interaction (it is inherent in Humpleman's system that the visited web pages will be stored in the temporary memory), the monitored interaction data capable of being used to configure the display of the representation (it is inherent in Humpleman's system that the visited web pages in the temporary catch memory will be used to configure the display of the representation).

As per claim 8, which is dependent on claim 1, Humpleman teaches:

identifying a resource on the remote device with which the user interacts; and loading a user interface corresponding to the identified resource (fig. 11).

As per independent claim 9, it is rejected under the same rationale as claim 1.

As per claim 10, which is dependent on claim 9, it is rejected under the same rationale as claim 2.

As per claim 11, which is dependent on claim 10, it is rejected under the same rationale as claim 3.

As per claim 12, which is dependent on claim 9, it is rejected under the same rationale as claim 5.

As per independent claim 13, it is a similar scope to claim 1; therefore, it should be rejected under similar scope.

As per claim 14, which is dependent on claim 13, it is a similar scope to claim 2; therefore, it should be rejected under similar scope.

As per claim 15, which is dependent on claim 14, it is a similar scope to claim 3; therefore, it should be rejected under similar scope.

As per claim 17, which is dependent on claim 16, Humpleman teaches the resource is a web page (col. 7, lines 48-51).

As per claim 18, which is dependent on claim 16, wherein the evaluated interaction includes selecting an icon (col. 7, line 44).

As per independent claim 19, Humpleman teaches a method of loading a user interface, comprising:

accessing a resource on a remote device through a network (col. 7, lines 7-9);

evaluating interaction of a user with the resource; identifying the resource based on the evaluated interaction; and loading a user interface corresponding to the identified resource (col. 7, lines 41-46);

receiving, through the network to the information appliance, user interface data describing one or more user interface functions on the remote device, wherein at least some of the one or more user interface functions may be added to the information appliance from the remote device (col. 7, lines 6-7 and col. 7, lines 48-58);

configuring the load user interface based on the user interface data, the loaded interface including one or more representations, each representation corresponding to one of the user interface functions on the remote device and capable of interaction by the user therewith (col. 7, lines 7-20 and col. 7, lines 48-58).

Humpleman does not teach comparing the user interface data with a user interface template of the information appliance, the user interface template including one or more representations. Rezvani discloses Web server 46 may take the template, locate components designated to device 32 using the components' IDs, and ask the components to generate a suitable user interface representation (page 9, paragraph 94). It would have been obvious to an artisan at the time of the invention to use the teaching from Rezvani of generating a suitable user interface representation by comparing components' IDs to the template, locate components designated to a remote device in Humpleman's system since it would have helped to speed up the process of loading user interface representation;

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As per claim 20, which is dependent on claim 19, it is rejected under the same rationale as claim 2.

As per claim 21, which is dependent on claim 20, it is rejected under the same rationale as claim 3.

As per claim 22, which is dependent on claim 19, it is rejected under the same rationale as claim 5.

As per independent claim 27, it is rejected under the same rationale as claim 1.

As per claim 28, which is dependent on claim 27, it is rejected under the same rationale as claim 2.

As per claim 29, which is dependent on claim 28, it is rejected under the same rationale as claim 3.

As per claims 30, 31, and 32, which are dependent on claims 1, 9, and 19 respectively, they are rejected under the same rationale as claim 5.

As per claim 34, Rezvani teaches the one or more representations include at least one of a cursor control element, a browser control element, or a window control element (page 6, paragraph 61).

As per claims 35-39, Humpleman teaches said at least some of the one or more user interface functions may be added to the information appliance from the remote device to configure the user interface of the information appliance (col. 7, lines 6-7 and col. 7, lines 48-58).

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman in view of Rezvani and further in view of Cragun et al. ("Cragun", US 5,973,683).

As per claims 6 and 7, which are both dependent on claim 5, modified Humpleman does not disclose the monitored interaction data includes an amount of time and a number of times spent by the user interacting with a selected one of the representations, and further wherein the display of the representations is configured to include the selected representation is greater than a threshold amount of time and number of times. Cragun discloses content displayed on the television is controlled based on a viewer profile that monitors the quantity of time a viewer spends viewing content (col. 6, lines 1-28). It would have been obvious to an artisan at the time of the invention to use the teaching from Cragun of displaying the content on the television based on a viewer profile that monitors the quantity of time a viewer spends viewing content in modified Humpleman's system since it would control the display content in response to the past behavior of a viewer.

Response to Arguments

6. Applicant's arguments filed 08/18/2005 have been fully considered but they are not persuasive.

Applicant argued that GCO and CL of Humpleman allow a client device to control the server device, rather than allowing a human user to control the device in which the interface resides.

The Examiner disagrees for the following reasons. Humpleman, at column 7, lines 6-7 and lines 48-58, clearly teaches a DTV 102 used as a control device to receive, through a network, GUI data in form of HTML files from each home device within the network. Each home device sends its custom GUI to the browser based DTV 102. Each HTML file contains specific control and command information for a respective home device. The HTML files enable the browser based DTV 102 to graphically display control and command information to a user for a particular home device allowing the user to control that particular home device.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
November 8, 2005


BA HUYNH
PRIMARY EXAMINER